

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

---

<b>BUFF CITY SOAP LLC, BUFF CITY SOAP</b>	)	
<b>LLC (DELAWARE), BUFF CITY SOAP</b>	)	
<b>FRANCHISING LLC, BUFF CITY SOAP</b>	)	
<b>SUPPLY LLC and BUFF CITY SOAP</b>	)	
<b>HOLDINGS LLC,</b>	)	
	)	
<b>Plaintiffs,</b>	)	
v.	)	<b>Civil Action No. 2:21-cv-02462-JPM-cgc</b>
	)	
<b>MAGEN BYNUM, BUFF CITY NEW</b>	)	
<b>ALBANY, LLC, MAGNOLIA SOAP &amp;</b>	)	
<b>BATH CO. OF OXFORD, LLC,</b>	)	
<b>MAGNOLIA SOAP &amp; BATH CO. OF NEW</b>	)	
<b>ALBANY, LLC, MAGNOLIA SOAP &amp;</b>	)	
<b>BATH CO. OF TUPELO, LLC,</b>	)	
<b>MAGNOLIA SOAP AND BATH CO. OF</b>	)	
<b>JACKSON, LLC, MAGNOLIA SOAP AND</b>	)	
<b>BATH CO. FRCH, LLC, HOPE IN SOAP</b>	)	
<b>COLLIERVILLE, LLC, VANGUARD</b>	)	
<b>ENTERPRISES, INC., and MAGNOLIA</b>	)	
<b>SOAP &amp; BATH HOLDING CO., LLC.</b>	)	
	)	
<b>Defendants.</b>	)	

---

**JOINT NOTICE OF SETTLEMENT IN PRINCIPLE AND  
MOTION FOR STAY OF LITIGATION**

---

Plaintiffs Buff City Soap LLC, Buff City Soap LLC (Delaware), Buff City Soap Franchising LLC, Buff City Soap Supply LLC, and Buff City Soap Holdings LLC (collectively, “Buff City”) and Defendants Magen Bynum (“Bynum”), Buff City New Albany, LLC, Magnolia Soap & Bath Co. of Oxford, LLC, Magnolia Soap & Bath Co. of New Albany, LLC, Magnolia Soap & Bath Co. of Tupelo, LLC, Magnolia Soap and Bath Co. of Jackson, LLC, Magnolia Soap and Bath Co. FRCH, LLC, Hope in Soap Collierville, LLC, Vanguard Enterprises, Inc., and Magnolia Soap & Bath Holding Co., LLC (collectively, “Defendants”), by and through their

undersigned counsel, and pursuant to Local Rule 83.13, respectfully jointly notify and move the Court as follows:

1. The parties have reached a settlement in principle of this case as to all claims.

The parties are working to prepare and execute a definitive settlement agreement.

2. The trial date in this matter is currently set for September 19, 2022. (ECF No. 84). The deadline to complete discovery, including fact and expert depositions is May 20, 2022. (*Id.*)

3. The parties wish to conserve their and the Court's resources during the period of time necessary for the parties to finalize the terms of and enter into and file a settlement agreement. In view of the parties' settlement in principle, the parties respectfully submit that a stay of the case and a continuance of the remaining pretrial deadlines and the trial date is warranted. The parties therefore request that the Court enter an order staying this litigation for a period of thirty (30) days while the parties work to finalize a definitive settlement agreement, and continuing all remaining deadlines and the September 19, 2022 trial date in this matter.

WHEREFORE, the parties respectfully request that the Court enter an order (1) staying the case for a period of thirty (30) days to enable the parties to finalize a settlement agreement; and (2) continuing the remaining pre-trial deadlines, the September 19, 2022 trial date.

DATED: May 12, 2022.

Respectfully submitted,

s/ Nicole D. Berkowitz

Adam S. Baldridge (TN Bar No. 23488)  
Zachary B. Busey (Miss. Bar No. 103793)  
Nicole D. Berkowitz (TN Bar No. 35046)  
**BAKER, DONELSON, BEARMAN,  
CALDWELL & BERKOWITZ, PC** First  
Tennessee Building  
165 Madison Avenue, Suite 2000 Memphis,  
Tennessee 38103

Safraz W. Ishmael (admitted pro hac vice)  
Christopher Deck (pro hac vice forthcoming)  
**DLA PIPER LLP (US)**  
33 Arch Street, 26th Floor  
Boston, Massachusetts 02110-1447  
Phone: 617-406-6000  
Fax: 617-406-6100  
Email: safraz.ishmael@dlapiper.com

Telephone: (901) 577-2102  
Facsimile: (901) 577-0838  
E-mail: [abaldridge@bakerdonelson.com](mailto:abaldridge@bakerdonelson.com)  
[zbusey@bakerdonelson.com](mailto:zbusey@bakerdonelson.com)  
[nberkowitz@bakerdonelson.com](mailto:nberkowitz@bakerdonelson.com)

-and-

[christopher.deck@dlapiper.com](mailto:christopher.deck@dlapiper.com)

Melissa A. Reinckens (admitted pro hac vice)  
**DLA PIPER LLP (US)**  
401 B Street, Suite 1700  
San Diego, California 92101-4297  
Phone: 619-699-2700  
Fax: 619-699-2701  
Email: [melissa.reinckens@dlapiper.com](mailto:melissa.reinckens@dlapiper.com)

Oscar M. Orozco-Botello (admitted pro hac vice)  
**DLA PIPER LLP (US)**  
2000 Avenue of the Stars, Suite 400 North  
Tower  
Los Angeles, CA 90067-4704  
Phone: 310-595-3000  
Fax: 310-595-3300  
Email: [oscar.orozco-botello@dlapiper.com](mailto:oscar.orozco-botello@dlapiper.com)

*Attorneys for Plaintiffs*

s/ Andrew W. Coffman  
Andrew W. Coffman, TN Bar #027160  
Mark Halbert (admitted pro hac vice)  
201 South Spring Street • Seventh Floor  
Tupelo, Mississippi 38804  
Post Office Box 1220  
Tupelo, Mississippi 38802-1220  
Telephone: (662) 842-7907  
Telecopier: (662) 842-3873  
Email: [andrew.coffman@phelps.com](mailto:andrew.coffman@phelps.com)  
[mark.halbert@phelps.com](mailto:mark.halbert@phelps.com)

*Attorneys for Defendants*

**CERTIFICATE OF CONSULTATION**

I hereby certify that on May 12, 2022, counsel for Plaintiffs consulted with counsel for Defendants via email regarding the relief sought herein. Counsel for Defendants joins in this motion.

s/Nicole D. Berkowitz

**CERTIFICATE OF SERVICE**

I hereby certify that on May 12, 2022, a true and correct copy of the foregoing was filed via the Court's CM/ECF system. Notice of this filing will be sent by operation of the Court's electronic filing system to all counsel of record.

s/Nicole D. Berkowitz